

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAMES STEPHENS,	:	
	:	
Plaintiff,	:	Case No. 3:10cv00295
	:	
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
MICHAEL J. ASTRUE,	:	
Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	

DECISION AND ENTRY ADOPTING IN FULL THE REPORT AND
RECOMMENDATIONS FILED ON AUGUST 2, 2011 (Doc. #14); VACATING
THE COMMISSIONER'S NON-DISABILITY FINDING; REMANDING THIS
CASE TO THE COMMISSIONER AND THE ADMINISTRATIVE LAW
JUDGE UNDER SECTION FOUR OF 42 U.S.C. § 405(g) FOR FURTHER
CONSIDERATION CONSISTENT WITH THE REPORT AND
RECOMMENDATIONS (Doc. #14); AND TERMINATING THE CASE ON
THE DOCKET OF THIS COURT

The Court has conducted a de novo review of the Report and
Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc.
#14), to whom this case originally was referred pursuant to 28 U.S.C. § 636(b),
and noting that no objections have been filed thereto and that the time for filing
such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** in full
said Report and Recommendations.

IT THEREFORE IS **ORDERED** that:

1. The Report and Recommendations filed on August 2, 2011 (Doc. #14) are **ADOPTED** in full;
2. The Commissioner's non-disability finding is **VACATED**;
3. No finding is made as to whether Plaintiff James Stephens was under a "disability" within the meaning of the Social Security Act;
4. This case is **REMANDED** to the Commissioner and the Administrative Law Judge under Sentence Four of 42 U.S.C. § 405(g) for further consideration consistent with the Report and Recommendations (Doc. #14); and
5. This case is **TERMINATED** on the docket of this Court.



Walter Herbert Rice
United States District Judge